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Summary of Stakeholders' submissions on Ukraine*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 37 stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles

2. The Ombudsperson noted that the recommendations regarding the need to adopt an anti-discrimination legislation had been generally implemented. In 2012, Parliament adopted the Law of Ukraine on the Principles of Prevention and Combating Discrimination in Ukraine. However, it required further improvement and harmonization with international standards, in particular with respect to the list of prohibited grounds.[2] In this regard, a draft Law on "amendments to some legislative acts" was being prepared for a second reading in Parliament. In addition, the inclusion of separate sections on prevention and combating discrimination in the National Human Rights Strategy and the Action plan for its implementation for the period up to 2020 showed greater attention to discrimination issues.[3]

* The present document was not edited before being sent to United Nations translation services.

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3. All draft laws which relate to prohibition of the so-called homosexuality propaganda had been revoked, disapproved or excluded from consideration by Parliament.[4]

4. Between November 2012 and December 2016, the Ombudsperson, in her capacity as National Preventive Mechanism, conducted 1,108 monitoring visits to places of detention, and made relevant recommendations to the authorities concerned. She recommended that the Ministry of Health should be made competent to deal with the issue of access to medical care to detainees.[5]

5. The recommendations on the necessity of ratification of the Council of Europe (CoE) Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), improvement of legislation on combating domestic violence and issues of ensuring equal rights and opportunities for women and men had not been fully implemented. The level of representation of women in political life remained low. In addition, inequality of income between women and men remained a problem.[6]

6. The recommendations pertaining to the right to health were reflected in the Action plan for the implementation of the National human rights strategy for the period up to 2020. However, actions by the Ministry of Health in this regard had been insufficient. A number of issues had remained without due attention, including implementing the compulsory state medical social insurance of the population; and ensuring an adequate level of access to primary medical assistance, especially in rural areas.[7]

7. The reduction in funding of education and science in previous years had jeopardized the provision of quality and accessible educational services. Difficult economic environment due to the armed conflict had negatively impacted on the enjoyment of the right to education in the languages of the national minorities, which was guaranteed by law.[8]

8. The recommendations which aimed at the effective implementation of the National Action Plan for the implementation of the UN Convention on the Rights of the Child had not been fully implemented due to the untimely approval of the plan. In addition, the situation with the victimization of children had remained extremely difficult in Ukraine.[9]

9. Regarding juvenile justice, there was a need to refine the governmental Action Plan for the implementation of the concept for the development of criminal justice for minors in Ukraine to improve the prevention of juvenile crimes, implement effective legal proceedings for juvenile offenders, establish an effective rehabilitation system for juvenile offenders, and protect children who had been victims or witnesses of a crime.[10]

10. Regarding persons with disabilities, several legislative and regulatory acts in the areas of education, healthcare, employment, rehabilitation, accessibility, transport and information had been adopted, but these had not been implemented for several reasons, including due to insufficient funding. The Action plan on implementation of the National Human Rights Strategy took into account provisions of the Convention on the Rights of Persons with Disabilities (CRPD).[11]

11. Despite the adoption of a dedicated action plan and strategy, Roma remained one of the most vulnerable social groups, facing restricted access to education, medicine, social services, issuance of documents, employment and exposed to systematic stigmatization and discrimination.[12]

12. Legislation on the status of stateless persons was yet to be adopted. The situation of stateless persons was a widespread problem which needed to be urgently addressed.[13]

13. The Ombudsperson also reported on issues that were not raised during the previous review. Regarding the situation of internally displaced persons, the Government needed to undertake as a priority measures for establishing mechanisms aimed at realizing rights of all

citizens of Ukraine – especially rights to social protection, provision of pensions, and participation in local elections – irrespective of their place of residence, including internally displaced persons and persons living in the Donetsk and Luhansk regions.[14]

14. The Ombudsperson stated that she was mandated to monitor the respect of the rights to personal data protection and access to public information, but she was not in a position to fulfil this mandate. She recommended establishing instead an independent information commissioner on this issue vested with adequate powers.[15]

III. Information provided by other stakeholders

A. Scope of international obligations and cooperation with international human rights mechanisms and bodies[16]

15. Several stakeholders recommended that Ukraine ratify the Istanbul Convention[17], the European Convention on the Compensation of Victims of Violent Crimes[18], and the Convention on Cluster Munitions.[19]

16. Cultural Survival (CS) recommended that Ukraine take specific steps to implement the provisions of the United Nations Declaration on the Rights of Indigenous Peoples, endorsed in May 2014, into domestic legislation.[20]

17. Human Rights Watch (HRW) stated that while yet not a member of the International Criminal Court, Ukraine had accepted in 2014 the Court's jurisdiction over alleged crimes committed on its territory since 21 November 2013. It noted that Parliament recently adopted a constitutional amendment package that would permit ratification of the Rome Statute, but included a transitional provision that delayed the relevant amendment from taking effect before 2019.[21]

B. National human rights framework

18. Following the deployment of an Election Observation Mission for the 2015 local election, the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Co-operation in Europe (OSCE) recommended, inter alia, undertaking a comprehensive review of the Law on local elections to allow independent candidates to run at all levels of local councils, establishing deadlines and clear grounds for the replacement of election commission members, and introducing effective and proportional sanctions for all violations of the election laws.[22]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross cutting issues

Equality and non-discrimination[23]

19. JS5 stressed that Roma, along with other groups, were systematically discriminated against in Ukraine, at different levels, and on various grounds. It recommended taking all necessary steps to address historical and structural discrimination against the Roma community.[24]

20. Several stakeholders, while noting that the amendments to the anti-discrimination legislation in 2014 had brought several improvements, expressed concern that the list of protected grounds did not explicitly mention sexual orientation or gender identity.[36]

21. OHCHR stated that hate crimes recorded by police (157 incidents in 2015, with 79 prosecuted and 3 sentenced cases) were disaggregated by bias motivation, but Ukraine had not reported on cases of hate crimes separately from cases of hate speech and/or discrimination.[37]

22. Several submissions indicated that there was no specific law on hate crimes in Ukrainian legislation, and that Article 161 of the Criminal Code on "violation of citizens' equality based on their race, nationality or religion" limited the grounds for complaint to this list. It was consequently not possible to invoke this article for hate crimes based on sexual orientation or and gender identity.[38] JS3 noted that lesbians and female bisexual and transgender persons were twice more vulnerable to hate crime as they belonged to both Lesbian, Gay, Bisexual and Transgender (LGBT) persons and women categories.[39]

23. JS3 recommended amending several articles of the Criminal Code of Ukraine to ensure punishment for crimes motivated by homophobia.[40] The Nash Mir Center (NMC) recommended including homophobic motivation as an aggravating circumstance.[41]

24. IGLYA noted some progressive policies supporting LGBT persons. However, it stated that anti-LGBT sentiment remained strong among State officials and the public, as exemplified by attacks against LGBT events.[42] It recommended ensuring that LGBT people and activists were protected from homophobic and transphobic violence and harassment.[43] LGBT Association "Insight" (LBA) recommended including topics of hate crimes on the grounds of sexual orientation and gender identity into educational programs for police officers.[44] NMC recommended establishing a channel of communication between the police and the local communities, particularly the LGBT community.[45] LBA recommended developing and launching a governmental program to promote tolerance towards LGBT people at the national level.[46]

Development, the environment, and business and human rights[47]

25. OHCHR welcomed the draft laws which sought to create an independent and effective anti-corruption agency in Ukraine. It recommended, inter alia, improving these in the area of operational independence and the appointment, suspension and dismissal procedures for the Director, and the protection of staff from civil, administrative and criminal proceedings that might, intentionally or unintentionally, unduly hinder the work of the agency.[48]

26. JS7 recommended assessing and rectifying the negative effects of the International Monetary Fund's conditionalities on the most vulnerable sectors of population, and recognizing that austerity measures impact men and women differently.[49]

27. NGO Law State (NLS) raised concerns about the adequacy of the legislation protecting the rights of depositors and borrowers vis-à-vis banks in the process of liquidation.[50]

28. JS10 reported on a number of environment-related challenges, including undue restrictions to access to environment-related information, non-respect of the requirements under the international climate change framework, and the detrimental impact of the conflict on the environment.[51]

2. Civil and Political Rights

Right to life, liberty and security of person

29. Several submissions expressed serious concern about human rights violations and abuses committed in the context of the armed conflict in eastern Ukraine. These included cases of summary and extra-judicial executions; the use of indiscriminate weapons against inhabited areas and civilian health care facilities; the use of cluster bombs, landmines and booby traps; the use of civilian facilities to place military equipment and armed individuals; cases of torture or various forms of ill-treatment on either side of the contact line; various forms of sexual violence; incommunicado detention and/or in unacknowledged places of detention for certain periods on government-controlled territory; detention in various locations, including the basements of buildings used by armed groups or entities performing security-related functions; enforced disappearances; recruitment of children into armed groups; undue restrictions to freedom of movement across the contact line; and hampered access to humanitarian assistance.[47]

30. Several stakeholders recommended all parties to the conflict to put an end to the hostilities and violence; seek a peaceful solution on the basis of the Minsk Agreements; respect the provisions of international humanitarian law at all times; release all persons arbitrarily deprived of liberty and grant unimpeded access to them; and remove all barriers impeding the access of humanitarian aid. They recommended the Ukrainian authorities to, inter alia, eradicate ill-treatment from the law-enforcement system; further strengthen the National Preventive Mechanism; increase transparency and public oversight over the prison system; co-operate with various non-governmental organizations in order to ensure the effective provision of holistic rehabilitation services to victims; revise the regulatory framework related to freedom of movement and ensure that the applicable restrictions are proportionate to the aim pursued; organize effective data collection and recording of sexual violence related to the conflict and in relation to children who have been recruited or used in combat; ensure development and implementation of a specialized program for law enforcement officials on combating and preventing sexual and gender-based violence related to the conflict; introduce amendments to the Criminal Code criminalizing recruitment and involvement of children in military action and militarized groups, and establishing criminal liability for enforced disappearance; and establish an independent mechanism for the search of missing persons.[48]

31. CoE indicated that the main cases pending execution before the Committee of Ministers under the enhanced procedure related, inter alia, to torture and/or ill-treatment by the police, mostly in order to obtain confessions, and lack of effective investigations into complaints; failure to protect a journalist threatened to life and eventually killed; and poor material conditions of detention and transportation and lack of adequate medical treatment in pre-trial detention, prisons, and police establishments.[49]

32. JS17 noted that there were reported cases of violence and abuse in juvenile detentions, and that physical violence, psychological pressure and threats were common during investigation to obtain testimonies.[50]

Administration of justice, including impunity and the rule of law[51]

33. Several stakeholders highlighted the importance of fighting impunity for conflict-related violations in eastern Ukraine.[52] The CoE Commissioner for Human rights stressed that justice was a prerequisite to genuine reconciliation in a society affected by conflict, and establishing and recognizing the truth about serious human rights violations was an important component of any reconciliation process. He took note of a number of significant shortcomings as regards the investigations into such abuses; moreover, there were many

cases where information indicative of a serious violation did not even trigger an investigation.[49]

34. HRW mentioned that the authorities had made some progress towards accountability for abuses during the 2014 Maidan protests. As for the 2014 political violence in Odesa, trials continued, marked by court proceeding disrupted by 'pro-unity' activists.[50] Accountability for such violations was also of concern to JS6 and the Information Group on Crimes against the Person (IGCP).[51]

35. The CoE Commissioner for Human Rights stated that the ongoing reforms in the judiciary should aim at strengthening judicial independence and shielding judges from any undue interference and influence. Judicial, prosecutorial and investigating authorities should be provided with all the necessary means, including adequate resources, to be able to perform their duties effectively.[52]

36. CoE added the following main cases pending execution before the Committee of Ministers under the enhanced procedure: failure to carry out effective investigations into crimes, involving deaths of Roma-origin persons, and into possible causal link between the racist attitudes and the crimes committed; unlawful and/or lengthy detention on remand; violation of the right of silence and not to incriminate oneself; unfair criminal proceedings; excessive length of criminal and civil proceedings; and excessive delays of the judicial decisions.[53]

37. JS9 stated that the new criminal code of procedure expanded the safeguards for detainees and introduced alternative preventive measures, such as house arrest and bail. However, it contains a number of shortcomings, including the possibility of automatic prolongation of pre-trial detention.[54]

38. JS13 mentioned economic barriers in accessing justice imposed by the 2012 Law on "court fee".[55] Lawyers for Lawyers (L4L) stated that there was no effective access to legal assistance.[56] JS15 observed limitations on women's access to justice, as well as discrimination on the part of law enforcement officials and judges, improper legal assistance and unpreparedness of the legal system to respond to cases of sexual and gender-based violence, resulting in impunity for the perpetrators.[57]

39. L4L raised concerns about the lack of effective guarantees for the functioning of lawyers. It recommended, inter alia, providing lawyers with all the facilities, rights and privileges necessary for discharging their functions, and taking all necessary measures to prevent that lawyers are threatened, intimidated, harassed or subjected to improper interference while exercising their professional duties, and to effectively investigate all violations against lawyers and hold the perpetrators accountable.[58]

40. JS17 stressed that a juvenile justice system was yet to be established.[59]

Fundamental freedoms and the right to participate in public and political life[60]

41. The Ukrainian Orthodox Church (UOC) expressed concern regarding draft laws 4128, 4511, 5309 and 1244 amending the Law on freedom of conscience and religious organizations as it deemed them violating the rights of believers and potentially threatening inter-religious peace in Ukraine. UOC also raised concern about the unlawful seizure by the authorities of several of its churches and property.[61] NGO Public Advocacy (NPA) shared similar concerns, and mentioned in addition instances of hate speech and incitement of violence against UOC members.[62] IGCP and the World Russian People's Council (WRPC) mentioned acts of persecution against the clergy and believers of the Ukrainian Orthodox Church of the Moscow Patriarchate.[63] ADF International (ADFI) stated that there had been attacks on parishes and religious communities of each side of the conflict in Eastern Ukraine.[64]

42. The European Association of Jehovah's Christian Witnesses (EAJCW) mentioned that from 2014 to 2016, 115 incidents of religiously motivated violence against Jehovah's Witnesses had occurred, and only eight perpetrators were convicted by court. In addition, Jehovah's Witnesses had faced significant interference by State officials when building their houses of worship.[65]

43. The Institute for Religious Freedom (IRF) referred to instances of religious persecution in eastern Ukraine committed by armed groups, including acts of torture and killings of religious activists and believers and the seizing of places of worship and other facilities, some of which were used by armed groups as firing positions.[66]

44. JS6, JS11, HRW and the Institute of Mass Information (IMI) reported on physical attacks against journalists, including several killings, since the last review.[67] IMI noted that, despite recent progress made, only 15% of attacks had been investigated.[68] JS11 mentioned instances of torture, ill-treatment, threats and detention of journalists committed by armed groups in eastern Ukraine.[69]

45. While noting positive developments, JS11 mentioned persistent problems with the media landscape. It recommended amending the Law on "the reform of state-owned and communal print media" and the Law on "public service broadcasting of Ukraine" to ensure reforms of state-owned media are implemented in line with international standards, guaranteeing that the Ukrainian population have access to independent, public service print and broadcast media.[70]

46. While acknowledging the security threats faced by Ukraine, JS11 noted that efforts by the Ukrainian authorities to tackle 'propaganda' from a third country might unduly restrict freedom of expression. As of March 2017, 15 TV channels from a third country were blocked from broadcasting on cable within Ukraine, raising concerns about censorship, in particular the necessity and proportionality of these measures.[71] HRW noted that in May 2016, Ukrainian authorities had banned 17 journalists from a third country and media executives from entering Ukraine.[72] IGCP referred to a number of journalists critical of the Ukrainian authorities who were forced to leave the country.[73]

47. Front Line Defenders (FLD) listed cases of human rights defenders who had been physically attacked and/or harassed since 2012 because of their work in denouncing corruption, documenting human rights violations committed by security forces or promoting LGBT rights.[74] It recommended guaranteeing in all circumstances that all human rights defenders in Ukraine are able to carry out their legitimate human rights activities without fear of reprisals and free of all undue restrictions.[75] JS6 stated that abduction, torture and extrajudicial executions aimed at pro-Ukrainian activists had become widespread practice in parts of eastern Ukraine.[76]

48. While noting a prevailing favourable environment for the creation and activities of associations, JS6 expressed concern about the recent introduction of new laws requiring NGO staff to submit asset declarations, which could be used to silence anti-corruption advocacy by civil society.[77]

49. JS6 was particularly concerned by the impact of the armed conflict on journalists, civil society organisations and human rights defenders. It stated that in areas controlled by armed groups, civil society organizations had been targeted and forced to leave, including organizations undertaking primarily humanitarian work.[78]

50. ODIHR mentioned the joint OSCE/ODIHR-Venice Commission opinion on two draft laws on guarantees for freedom of peaceful assembly in Ukraine, which noted that both bills constituted a genuine attempt to fill the legislative lacuna in this area, and emphasized these should be seen as a step towards adopting a specific law in this area.

though further improvements were required.[79] JS6 and FLD mentioned sharp criticisms from civil society about these bills.[80]

51. NMC, while noting some positive developments, stated that the realisation of the right to peaceful assembly for LGBT people in Ukraine totally depended on the readiness of the local authorities and police to ensure security of those events.[81] JS6, LIGA and FLD mentioned several cases where LGBT rallies had either been challenged by local authorities before courts, or attacked by radical groups.[82]

Prohibition of all forms of slavery[83]

52. JS17 noted that the national legislation on sexual exploitation was not harmonized with the Council of Europe's Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse ratified in 2012.[84]

53. JS1 recommended, inter alia, ensuring sufficient funds for the implementation of the State Anti-Trafficking Programme and counter-trafficking initiatives in general; introducing specialization for investigators and prosecutors on trafficking in persons-related issues; and supporting cooperation between law enforcement official and non-governmental organizations working on this issue, in particular to provide timely and efficient assistance to victims.[85]

Right to privacy and family life

54. LIGA recommended developing and adopting legislation to establish an officially recognized form of same-sex unions and provide same-sex partners with essential marital rights and obligations[86], while ADF expressed its opposition to same-sex marriage.[87]

3. Economic, Social and Cultural Rights

Right to work and to just and favourable conditions of work[88]

55. The CoE noted that the European Committee of Social Rights, tasked with monitoring Ukraine's compliance with the European Social Charter, had concluded in 2016 that policy efforts had been inadequate in combatting unemployment and promoting job creation.[89]

56. JS12 stated that the level of women's access to the labour market was significantly decreasing, the women's unemployment rate and number of women in the shadow economy and informal labour market was growing, and the problem of equal pay between women and men for equal work was not recognized.[90] JS10 and JS15 reported that women were banned from working in over 450 types of professions.[91] JS15 highlighted employment-related challenges faced by women in rural areas.[92]

57. JS15 noted that Parliament voted for the inclusion of sexual orientation and gender identity to the list of protected grounds into the Labour Code. However, Parliament was working on a new version of the Labour Code which did not contain sexual orientation and gender identity among the list of protected grounds. It added that there were no clear mechanisms for filing complaints about discrimination in employment.[93]

Right to social security

58. The CoE Commissioner for Human Rights recommended that the authorities develop and implement a separate procedure enabling those persons who permanently reside on the territories outside Government control to have access to their pensions and other social entitlements.[94]

Right to an adequate standard of living[95]

59. The European Committee of Social Rights concluded in 2015 that it had not been established that the supervision of housing standards was adequate, nor that measures were taken by public authorities to improve the substandard housing conditions of Roma.[96]

60. JS7 stated that poverty risks were increasing among rural population and residents of small settlements with poorly developed labour markets and lower incomes of employment.[97]

Right to health[98]

61. The European Committee of Social Rights concluded in 2013 that there was a prevailing high infant and maternal mortality rates.[99]

62. JS17 referred to a lack of budgetary funding of the health care sector, in particular regarding the treatment of orphan childhood diseases.[100]

63. JS17 stated that HIV prevention projects among street children had since 2015 not been supported by neither national, nor local budgets.[101] LIGA noted that transgender people were not recognized in Ukraine as a key population when responding to HIV, and stated that their rights required special protection.[102]

Right to education[103]

64. JS8 stated there had been no qualitative change in the realization of the right to education since the last review due to the lack of systemic nature of the reforms undertaken. The situation remained difficult for many Roma children and children with disabilities.[104] The Catholic International Education Office (OIEC) noted that budgetary funds allocated for the public education system, while significant, were not sufficient.[105] JS7 stated that spending cuts in the educational sector had led to the closing of several educational facilities.[106]

65. HRW expressed concern about the use of schools in the armed conflict, which forced many children out of school and hundreds of schools to stop operating or to operate under overcrowded and difficult conditions.[107] JS8 stated that the authorities tried to respond adequately to the educational challenges linked to the conflict, and expressed concern regarding access to children located in the conflict-affected regions.[108]

4. Rights of specific persons or groups

Women[109]

66. JS7 stated that the mortality rate of women in rural areas was much higher than in urban areas.[110]

67. JS4 stated that the Family Code contained provisions that discriminated against women, and reported widespread stereotypes among the general public about women.[111]

68. JS4 reported that Ukraine still did not have a specific crime of domestic violence, though noting that a proposed package of laws to address violence against women, including a new domestic violence law, passed the first hearing in 2016 in Parliament. However, the legislative package was returned to the Working Group because it contained references to gender and sexual orientation.[112] JS4 added that the ongoing conflict in eastern Ukraine had exacerbated the problem of domestic violence.[113] JS15 stated that it was difficult to collect data on sexual and gender-based violence associated with the on-going conflict.[114]

69. JS4 noted that Ukraine fell short of complying with international standards on victim services, and there were no centres for victims of rape, sexual assault, domestic violence or trafficking. It recommended mandating ongoing and regular training on domestic violence and best practices responses, in consultation with or led by NGOs that served victims of domestic violence, and providing adequate funding and support to shelters.[115]

70. JS15 referred to the minimum quota of 30% of female candidates on political parties' list introduced in 2015 in the law on political parties and the electoral law, but noted that these norms were simply declaratory.[116]

Children[117]

71. JS17 stated that some recommendations made under the previous cycle were partly addressed, such as exploring opportunities to expand measures to counter discrimination against children; intensifying efforts to prevent violence against children; and considering promotion of types of punishment other than prison.[118]

72. JS17 indicated that the legislative framework for institutions and services in support of for children had improved, though no mechanisms for implementing the changes had been introduced. Children without parental care belonged to the most vulnerable category.[119]

73. JS17 noted that most of the children who were not legally registered were those staying in disadvantaged families, in particular Roma families and families whose members were stateless.[120]

74. JS17 recommended adopting a specific law on child rights aiming at protecting all categories of children in the territory of Ukraine and/or under its jurisdiction.[121] JS1 stated that child pornography was yet to be defined in national legislation.[122]

75. JS17 expressed concern about the dire impact of the conflict on children. One pressing problem was preventing deaths and injuries of children due to explosive devices. Other relevant issues included obtaining documents, and access to health care and education. JS17 referred to cases of illegal transfer of children under care of Ukraine to a third country.[123]

Persons with disabilities[124]

76. JS3 reported problems of accessibility of court buildings for persons with disabilities.[125]

77. JS17 stated that problems of timely detection of disability and timely provision of medical and social services for children remained.[126]

78. JS10 recommended, inter alia, providing training on disability issues for civil servants to understand the rights of persons with disabilities set forth in the CRPD, and providing a comprehensive legislative and programmatic framework for inclusive education for persons with disabilities.[127]

Minorities and indigenous peoples[128]

79. ODIHR identified a lack of personal documents, difficulties in accessing quality education and employment, inadequate housing conditions and misconduct by the police as the main challenges facing Roma in Ukraine. It pointed out to the particularly vulnerable situation of displaced Roma who faced problems in accessing shelter, medical and social services and education due to the lack of civil registration documents and negative attitudes of the receiving community. It also noted multiple forms of discrimination faced by Roma women.[129]

80. ODIHR expressed concern over the mob violence in 2016 against Roma community in the village of Loshchynivka, and the subsequent eviction of Roma families from the village. ODIHR called on Ukrainian authorities to speak up against anti-Roma rhetoric and violence, immediately address inter-ethnic tension and restore respect for the rule of law in order to prevent further spread of anti-Roma sentiments in the country.[130]

81. CS noted that in February 2016, Ukraine officially recognized Crimean Tatars as indigenous peoples.[131]

Migrants, refugees and asylum seekers and internally displaced persons[132]

82. While noting some legislative improvements, JS10 listed a number of issues in relation to the principle of non-*refoulement* pertaining to access to the Ukrainian territory, legislative gaps in the refugee status determination leading to a low recognition rate, and documentation of, asylum seekers.[133]

83. JS9 referred to a lack of interpretation available when reviewing the status of a refugee or an asylum seeker.[134]

84. JS14 listed a number of challenges faced by internally displaced persons, which related, inter alia, to the protection of housing, land and property rights, access to medical services, employment and education, and exercise of civil and political rights, including recognition before the law.[135] The CoE Commissioner for Human Rights stated that the regulatory framework related to internally displaced persons should be reviewed and amended in order to de-link the payment of pensions and other entitlements from a person's IDP status.[136]

85. JS14 stated that there was no plan for evacuation, nor resettlement program, which took into account the need of internally displaced persons with disabilities.[137]

Stateless persons

86. JS5 raised several concerns regarding the situation of stateless persons in Ukraine in relation to children acquiring nationality, the identification of stateless persons, the detention of stateless persons, and Roma statelessness in Ukraine. It recommended, inter alia, ensuring that the draft law which aimed to introduce a statelessness determination procedure in Ukraine is brought into compliance with international standards and UNHCR Guidance, and enacted as a matter of priority.[138]

5. Specific regions or territories

87. Several submissions expressed serious concern over the enjoyment of civil, political, economic, social and cultural rights in Crimea under temporary occupation since 2014[139], including in relation to the repeated harassment of Crimean Tatars, human rights defenders, lawyers, journalists, and bloggers; the targeted blocking of websites; the banning of the Mejlis, the Crimean Tatar's elected representative body, deemed an "extremist organization"; the denial of registration of over 330 non-governmental organizations which had been forced to re-register; the denial of permission to conduct public demonstrations in support of the rights of the Crimean Tatars; and the formal discrimination by limitation of some Crimean residents' access to services, education, and employment.[140] Several submissions recommended granting access for human rights defenders and international monitors to Crimea.[141]

88. At the same time, JS11 and JS16 recommended that the Ukrainian authorities simplify the access of foreign monitors to Crimea, including journalists, lawyers, human rights defenders, and modify Cabinet of Ministers' Decree no. 367 regulating entry and exit from Crimea.[142] JS16 further recommended, inter alia, that such authorities simplify the

access of Ukrainian citizens to and from Crimea and ensuring their property rights by modifying Decree No. 1035 regulating crossing the administrative border.[143] It also noted that Ukraine's laws on "ensuring the rights and freedoms of citizens and legal regime in the temporarily occupied territory of Ukraine", on "the creation of the free economic zone 'Crimea' and on the peculiarities of economic activity in the temporarily occupied territory of Ukraine", and on "ensuring the rights and freedoms for internally displaced persons" contained a number of discriminatory provisions, recommending their removal.[144]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with "A" status).

Civil society

Individual submissions:

ADFI	ADF International, Geneva (Switzerland);
CS	Cultural Survival, Cambridge, MA (the United States of America);
EAJCW	The European Association of Jehovah's Christian Witnesses, Kraainem (Belgium);
FLD	Front Line Defenders, Blackrock, Dublin (Ireland);
HRW	Human Rights Watch, Geneva (Switzerland);
IGCP	Information Group on Crimes against the Person, Moscow (the Russian Federation);
IMI	Institute of Mass Information, Kyiv (Ukraine);
IRF	Institute for Religious Freedom, Kyiv (Ukraine);
KHPG	Kharkiv Human Rights Protection Group, Kharkiv (Ukraine);
L4L	Lawyers for Lawyers, Amsterdam (the Netherlands);
LIGA	LGBT Association 'LIGA', Mykolaiv (Ukraine);
NMC	Nash Mir Center, Kyiv (Ukraine);
NLS	NGO Law State, Kyiv (Ukraine);
NPA	NGO Public Advocacy, Kyiv (Ukraine);
OIEC	Catholic International Education Office, Brussels (Belgium);
UOC	Ukrainian Orthodox Church, Kyiv (Ukraine);
WRPC	World Russian People's Council, Moscow (the Russian Federation).

Joint submissions:

JS1	**Joint submission 1 submitted by:** La Strada International, Amersfoort (the Netherlands); CSO La Strada, Democracy Development Centre;
JS2	**Joint submission 2 submitted by:** Justice for Peace in Donbas, Kyiv (Ukraine); Eastern-Ukrainian Centre for Civic Initiatives; Vostok SOS; Luhansk Regional Human Rights Centre 'Alternatyva'; Mirny bereg;
JS3	**Joint Submission 3 submitted by:** Coalition against discrimination consisting of more than 50 NGOs all-over Ukraine, Kyiv (Ukraine);
JS4	**Joint submission 4 submitted by:** The Advocates for Human Rights, Minneapolis (the United States of America); Centre Women's Perspectives;
JS5	**Joint submission 5 submitted by:** Institute on Statelessness and Inclusion, Eindhoven (the Netherlands); DESYATE KVITNYA; R2P; European Network on Statelessness;

European Roma Rights Centre;

JS6 **Joint submission 6 submitted by:** CIVICUS: World Alliance for Citizen Participation, Johannesburg (South Africa); Centre for Civil Liberties; DeJuRe Foundation;

JS7 **Joint submission 7 submitted by:** Women's International League for Peace and Freedom, Geneva (Switzerland); Centre for Social and Labour Research; East Donbas Regional Development Agency; Theatre for Dialogue; Gender Dnipro; Centre of the Future; Child Smile; the Alternative Youth Centre;

JS8 **Joint submission 8 submitted by:** Educational Human Rights House Chernihiv, Kolychivka (Ukraine); Educational Human Rights House Chernihiv; NGO Almenda; Postup; Ukrainian Helsinki Human Rights Union; MART;

JS9 **Joint submission 9 submitted by:** Coalition against Tortures, Kyiv (Ukraine); Magnolia Centre for Legal and Political Research SIM; Chortkiv Civil Organisation Environmental Humanitarian Association Green World; Kharkiv Human Rights Protection Group; Kharkiv Institute for Social Research; Kherson Charity organisation Charity and Health Fund; Forpost; Sich; Teritoriya Uspihu; Odessa Regional Organisation of All-Ukrainian Committee of Voters of Ukraine; Ukrainian Helsinki Human Rights Union;

JS10 **Joint submission 10 submitted by:** Ukrainian Helsinki Human Rights Union, Kyiv (Ukraine); Centre of Law Enforcement Activities Research; Ukrainian Coalition for Legal Aid; Green World Environmental Humanitarian Organization; Environmental-People-Law International Charitable Organization; Territory of Success; Rights to Protection CF; Ukrainian National Assembly of People with Disabilities; All-Ukrainian Civic Association Coalition for the Rights of Persons with Disabilities in the Results of intellectual impairments;

JS11 **Joint submission 11 submitted by:** ARTICLE 19, London (the United Kingdom of Great Britain and Northern Ireland); Centre for Democracy and Rule of Law; Anti-corruption Research and Education Centre; Human Rights Information Centre; Human Rights Platform; Regional Press Development Institute;

JS12 **Joint submission 12 submitted by:** Kyiv Gender Studies Institute, Kyiv (Ukraine); Bureau of Social and Political Developments; Labour Initiatives; Confederation of Free Trade Unions of Ukraine;

JS13 **Joint submission 13 submitted by:** Autonomous Advocacy; Ukrainian Council of Freethinkers and Believers; Institute of Open Religion;

JS14 **Joint submission 14 submitted by:** Charity Foundation Right to Protection; Charitable Foundation East-SOS; Donbas-SOS; CrimeaSOS; Luhansk Regional Women's Legal Defense; Public organization Chaika; Public holding Group of Influence; Human Rights Organization of Women-migrants Will to Live; Institute for Social and Economic Research; Coalition of civic organizations of internally displaced persons Indivisible Ukraine; Norwegian Refugee Council; Ukrainian Helsinki Human Rights Union;

JS15 **Joint submission 15 submitted by:** Gender Strategic

	Platform, Kyiv (Ukraine); Civil Organisation La Strada-Ukraine; Women's Information Consultative Centre; Public Organization International School of Equal Opportunities; Ukrainian National NGO Democracy Development Centre; Center for Social and Gender Research New Life; Insight; National Council of Women of Ukraine; World Federation of Ukrainian Women's Organizations;
JS16	**Joint submission 16 submitted by:** Human Rights House Foundation, Geneva (Switzerland); People in Need; Centre for Civil Liberties; the Crimean Human Rights Group; Ukrainian Helsinki Human Rights Union; Human Rights Information Centre;
JS17	**Joint submission 17 submitted by:** NGO Coalition Child's Rights in Ukraine, Kyiv (Ukraine); Association of the Young Professionals Class; Danish Refugee Council in Ukraine; Environmental Children's Organisation Flora; Women's Consortium of Ukraine; International Charity Partnership for Every Child; Human Rights Centre Postup; Kharkiv Regional Foundation Public Alternative; MART; Charitable Fund the Right to Protection; Public Movement Faith, Hope and Love; Kharkiv Institute for Social Researches; Kalynove Grono; Charitable Foundation Rokada; Center of Public Initiatives Intelligence of Sumy Region; International Charitable Foundation AIDS Foundation East-West; Human Rights Information Centre
National human rights institution	
Ombudsperson of Ukraine	Ukrainian Parliament Commissioner for Human Rights*, Kyiv (Ukraine)
Regional intergovernmental organization(s)	
CoE	The Council of Europe, Strasbourg (France);
OSCE-ODIHR	Organization for Security and Cooperation in Europe - the Office for Democratic Institutions and Human Rights, Warsaw (Poland)

[2] Ombudsperson, p. 8-9.
[3] Ombudsperson, p. 9.
[4] Ombudsperson, p.9.
[5] Ombudsperson, p. 12.
[6] Ombudsperson, p. 8-9.
[7] Ombudsperson, p. 2.
[8] Ombudsperson, p. 6.
[9] Ombudsperson, p. 6.
[10] Ombudsperson, p. 6.
[11] Ombudsperson, p. 10.
[12] Ombudsperson, p. 11.
[13] Ombudsperson, p .12.
[14] Ombudsperson, p. 3.
[15] Ombudsperson, p. 5.
[16] For relevant recommendations, see A/HRC/22/7/Add.1, paras. 97.1-97.15, 97.20, 97.45 and 97.87.
[17] JS4, p.7; JS15, p.11; JS17, p.11; and LIGA, p. 3.
[18] JS2, p. 3.
[19] HRW, p. 4.
[20] CS, p. 1 and 9.
[21] HRW, p. 3.
[22] For relevant recommendations, see A/HRC/22/7/Add.1, paras. 97.17, 97.21 and 97.24.
[23] ODIHR, p. 2.
[24] For relevant recommendations, see A/HRC/22/7/Add.1, paras. 97.25 – 97.28, 97.30, 97.38, 97.44.

97.55 – 97.62, 97.64 – 97.74, 97.74, 97.105, 97.107, and 97.125.

[25] JS5, p. 9 and 11.

[26] JS3, p.3; JS15, p. 4; FLD, p. 1; LIGA, p.4-5; and NMC, p. 3-4.

[27] ODIHR, p. 10.

[28] JS15, p. 5; LIGA, p. 2-3; and NMC, p. 4-5.

[29] JS3, p. 5.

[30] JS3, p. 10.

[31] NMC, p. 5.

[32] HRW, p. 3. See also JS3, p. 6.

[33] HRW, p. 4.

[34] LIGA, p. 3. See also NMC, p. 5.

[35] NMC, p. 5.

[36] LIGA, p. 4.

[37] For relevant recommendations, see A/HRC/22/7/Add.1, paras. 97.131 and 97.132.

[38] ODIHR, p. 8.

[39] JS7, p. 6.

[40] NLS, p.1.

[41] JS10, p. 4 and 17.

[42] For relevant recommendations, see A/HRC/22/7/Add.1, paras. 97.32 – 97.37, 97.51, 97.51, 97.75, 97.93, 97.99 – 97.104, 97.108, and 97.110.

[43] CoE, p. 3 (see report of CoE Commissioner for Human rights on his visit to Ukraine in March 2016, p. 3-4); JS2, p. 1-9; JS9, p. 2-3; FLD, p. 1; HRW, p. 2-3; IGCP, p. 1; Kharkiv Human Rights Protection Group (KHPG), p. 1-6.

[44] CoE, p. 3 (see report of CoE Commissioner for Human rights on his visit to Ukraine in March 2016, p. 25-26); JS2, p.1-9; FLD, p. 5; HRW, p. 4; KPHG, p. 5-6.

[45] CoE, p. 6-8. See also JS9, p. 1-3 and 9.

[46] JS17, p. 4.

[47] For relevant recommendations, see A/HRC/22/7/Add.1, paras. 97.88 – 97.92, 97.94 – 97.98, 97.106, 97.109, 97.111 – 97.114, 97.117 and 97.123.

[48] JS10, p. 17-18; HRW, p. 2, and KHPG, p. 2.

[49] CoE, p. 3 (see report of CoE Commissioner for Human rights on his visit to Ukraine in March 2016, p. 3).

[50] HRW, p. 2.

[51] JS6, p. 3 and IGCP, p. 1.

[52] CoE, p. 3 (see report of CoE Commissioner for Human rights on his visit to Ukraine in March 2016, p. 5).

[53] CoE, p. 7-9. See also JS9, p. 3 and JS10, p. 2.

[54] JS9, p. 4.

[55] JS13, p. 2.

[56] L4L, p. 5.

[57] JS15, p. 8. See also JS4, p. 4.

[58] L4L, p. 3-5.

[59] JS17, p. 10-11.

[60] For relevant recommendations, see A/HRC/22/7/Add.1, paras. 97.18 – 97.19, 97.50, and 97.118 – 97.124.

[61] UOC, p. 2-7.

[62] NPA, p. 1-4.

[63] IGCP, p. 1; WRPC, p. 1-2.

[64] ADFI, p. 2-3.

[65] EAJCW, p. 2-3.

[66] IRF, p. 2.

[67] JS6, p. 9; JS11, p. 2; HRW, p. 3; and IMI, p. 2-3.

[68] IMI, p. 2.

[69] JS11, p. 10. See also HRW, p. 3 and IMI, p. 3.

[70] JS11, p. 4-5. See also JS6, p. 10 and FLD, p. 8.

[71] JS11, p. 5-6. See also JS6, p. 9-10, FLD, p. 2, and IGCP, p. 1.

[72] OBW, p. 2.
[73] BoCP, p. 1.
[74] FLD, p. 3 and 5.
[75] FLD, p. 6.
[76] JS6, p. 7.
[77] JS6, p. 3-4.
[78] JS6, p. 3 and 5. See also FLD, p.1-2.
[79] OSCE/ODIHR, p. 3-4 and 20. See also FLD, p. 3 and JS6, p. 11.
[80] JS6, p. 11; FLD, p. 3.
[81] SMS, p. 5.
[82] JS6, p. 12; UGA, p. 5; and FLD, p. 3.
[83] For relevant recommendations, see A/HRC/22/7/Add.1, paras. 97.49 and 97.80 – 97.85.
[84] JS17, p. 9. See also CoE, p.5.
[85] JS1, p. 10.
[86] CBGA, p. 4. See also NMC, p. 5 and JS3, p. 27.
[87] ADH, p. 3-4.
[88] For relevant recommendation, see A/HRC/22/7/Add.1, paras. 97.52.
[89] CoE, p. 10 (see Factsheet 'Ukraine and the European Social Charter', Department of the Social Charter, Directorate General of Human rights and the Rule of Law, p. 3).
[90] JS12, p. 2.
[91] JS10, p. 10, and JS15, p. 7.
[92] JS15, p. 11.
[93] JS15, p. 4-5. See also JS6, p. 4.
[94] CoE, p. 7 (see report of CoE Commissioner for Human rights on his visit to Ukraine in March 2016, p. 4-5); see also JS2, p. 11 and JS7, p. 11.
[95] For relevant recommendations, see A/HRC/22/7/Add.1, paras. 97.47 and 97.48.
[96] CoE, p. 10 (see Factsheet 'Ukraine and the European Social Charter', Department of the Social Charter, Directorate General of Human rights and the Rule of Law, p. 10).
[97] JS7, p. 3.
[98] For relevant recommendations, see A/HRC/22/7/Add.1, paras. 97.23, 97.46, and 97.128 – 97.130.
[99] CoE, p. 10 (see Factsheet 'Ukraine and the European Social Charter', Department of the Social Charter, Directorate General of Human rights and the Rule of Law, p. 4).
[100] JS17, p. 5.
[101] JS17, p. 5.
[102] UBA, p. 2.
[103] For relevant recommendations, see A/HRC/22/7/Add.1, paras. 97.126 and 97.127.
[104] JS8, p. 1, and 3-6. See also JS17, p. 6 and 11, and JS10, p. 15.
[105] CoE, p. 2-3.
[106] JS7, p. 10.
[107] OSCE, p. 2.
[108] JS2, p. 3-6.
[109] For relevant recommendations, see A/HRC/22/7/Add.1, paras. 97.31, 97.41, 97.52 – 97.54, and 97.76 – 97.78.
[110] JS7, p. 7.
[111] JS2, p. 4-5.
[112] JS4, p. 4. See also ODIHR, p. 9 and CoE, p. 5.
[113] JS6, p. 7.
[114] JS15, p. 7.
[115] JS2, p. 7.
[116] JS15, p. 6.
[117] For relevant recommendations, see A/HRC/22/7/Add.1, paras. 97.22, 97.29, 97.39 – 97.42, 97.79 – 97.86, 97.115 and 97.116.
[118] JS17, p. 2.
[119] JS17, p. 3.
[120] JS17, p. 3.
[121] JS17, p. 11.

[151] IN1, p. 9.
[152] IN17, p. 2-3.
[153] For relevant recommendations, see A/HRC/22/7/Add.1, paras. 97.16, 97.42, and 97.133 – 97.135.
[154] IN3, p. 5.
[155] IN17, p. 6. See also IN10, p. 13-16.
[156] IN10, p. 16.
[157] For relevant recommendations, see A/HRC/22/7/Add.1, paras. 97.63, and 97.136–97.140.
[158] ODIHR, p. 13.
[159] ODIHR, p. 13.
[160] C9, p. 2.
[161] For relevant recommendations, see A/HRC/22/7/Add.1, paras. 97.142 – 97.145.
[162] IN10, p. 11.
[163] IN9, p. 9.
[164] IN14, p. 1-10.
[165] Coll., p. 3 (see report of Col. Commissioner for Human rights on his visit to Ukraine on 5 March 2014), p. 4.
[166] IN14, p. 4.
[167] IN9, p. 4-10.
[168] See General Assembly resolution 71/205 on the "situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol".
[169] ODIHR, p. 10. Coll., p. 2-3. IN6, p. 5-6 and 11. IN11, p. 9-10. C9, p. 2-6. FI13, p. 4-5, and ODIHR, p. 4-5.
[170] ODIHR, p. 20. Coll., p. 2, and FI13, p.6.
[171] IN11, p. 9 and IN10, p. 6-8. See also ODIHR, p. 20.
[172] IN16, p. 4-5.
[173] IN16, p. 2-4.